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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

BLENDTEC INC., a Utah Corporation

Plaintiff,

v.

**BLENDJET INC., a Delaware corporation,
MAVORCO HOLDINGS, LLC, a
Delaware limited liability company,
MAVORCO IP, LLC, a Delaware limited
liability company, and MAVORCO
OPERATIONS, LLC, Delaware limited
liability company,**

Defendants.

**MAVORCO'S NON-OPPOSITION TO
PLAINTIFF'S MOTION TO
CONSOLIDATE**

Civil No. 2:25-cv-00096-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

Defendants MavorCo Holding, LLC, MavorCo IP, LLC, and MavorCo Operations, LLC (collectively “MavorCo”) hereby submits its Non-Opposition to Plaintiff Blendtec Inc.’s (“Plaintiff” or “Blendtec”) Motion to Consolidate the above-styled case into *Blendtec, Inc. v. BlendJet Inc.*, Case No. 2:21-cv-00668-TCDBP, in the District of Utah, and respectfully states as follows:

1. In November 2021, Blendtec filed an original trademark infringement lawsuit, *Blendtec, Inc. v. BlendJet Inc.*, Case No. 2:21-cv-00668-TCDBP, in the District of Utah against BlendJet Inc. (“BlendJet”) (the “2021 Action”).

2. On February 11, 2025, Blendtec filed a second lawsuit, *Blendtec, Inc. v. BlendJet Inc., et al.*, Case No. 2:25-cv-00096, in the District of Utah, against BlendJet and MavorCo (the “2025 Action”), asserting trademark infringement claims that are nearly identical to those in the 2021 Action. The only material difference between the claims made by Blendtec in the 2021 Action and the 2025 Action is the addition of MavorCo as a defendant based on a theory of successor liability and alleged direct infringement. MavorCo is the current owner (via a foreclosure and asset sale) of the BlendJet trademarks (“MavorCo Marks”) that were challenged in the 2021 Action and 2025 Action.

3. As stated in MavorCo’s Motion to Dismiss Blendtec’s Claims for Successor Liability in the 2025 Action (2025 Action, Dkt. 43) (the “Motion to Dismiss”), MavorCo is not liable for BlendJet’s past actions, and Blendtec has failed to state a claim that MavorCo has assumed any liability for BlendJet under the theory of successor liability. (*See generally*, Dkt. 43).

4. Under this Court’s Local Rules, cases may only be consolidated “to the judge with the lowest-numbered case,” “[t]he motion must be filed in the lowest-numbered case,” and “[t]he movant must also file a notice of the motion in all other cases proposed for consolidation.” DUCivR 42-1(a)–(b).

5. The Court's Local Rules also provide that: "The judges assigned to the cases will confer about the appropriateness of the request. The judge assigned to the lowest-numbered case will decide the motion." *Id.*

6. On February 20, 2025, Blendtec filed a Motion to Consolidate the 2025 Action into the 2021 Action (2021 Action, Dkt. 200) ("Motion to Consolidate"), and, pursuant to Local Rule DUCivR 42-1, filed notice of the same in the 2025 Action. (Dkt. 17).

7. On March 27, 2025, all Counsel for BlendJet moved to withdraw in the 2021 Action, citing "a breakdown in the attorney-client relationship" and that BlendJet "unable to fulfill its obligations to counsel." (2021 Action, Dkt. 204).

8. On April 11, 2025, the Court Ordered that Counsel for BlendJet may withdraw and was thereby removed. (2021 Action, Dkt. 209). Additionally, the Court Ordered that new counsel for BlendJet shall file a notice of appearance within 21 days, or before Friday, May 2, 2025. *Id.*

9. To date, BlendJet has not retained new legal counsel, and MavorCo is unaware of any information indicating that BlendJet will be able to do so. Furthermore, BlendJet has not made an appearance in the 2025 Action. Any judgment in the 2021 Action has the potential to impair MavorCo's interest in the MavorCo Marks or otherwise impair MavorCo's use of former BlendJet assets.

10. Therefore, MavorCo does not oppose the Motion to Consolidate solely to promote judicial efficiency and to allow MavorCo to adequately protect its interests in the MavorCo Marks and other former BlendJet assets.

11. However, MavorCo opposes any consolidation that would deny it the ability to fully participate in all aspects of the 2025 Action. As noted in Blendtec's Motion to Consolidate, the deadline for serving written fact discovery in the 2021 Action has passed, and the close of fact discovery in the 2021 Action is rapidly approaching. (*See* 2021 Action, Dkt. 199). If this Court grants the Motion to Consolidate, MavorCo respectfully requests that the Court allow MavorCo,

as a new party, to engage fully in the case management and discovery process. This includes having adequate time to seek fact discovery related to the issues in the 2021 Action, and to seek any information or documents exchanged in the 2021 Action—to which MavorCo currently has no access.

12. MavorCo also requests that in any consolidated action MavorCo be permitted to submit a proposed case management order and seek an appropriate protective order. MavorCo does not oppose the Motion to Consolidate if consolidation results in a full standard case schedule that does not prejudice MavorCo’s ability to fully litigate its claims and defenses separately from BlendJet, as MavorCo is a fully separate entity from BlendJet, and is not liable for any of BlendJet’s prior conduct.

13. In addition, by filing this Non-Opposition to Plaintiff’s Motion to Consolidate, MavorCo takes no position regarding any of the allegations made by Blendtec against MavorCo in the Motion to Consolidate, and further expressly denies that MavorCo has, in any way, “stepped into the shoes of Blendjet,” (2021 Action, Dkt. 200 at 2, 5), or “that Mavorco will operate the business of Blendjet without interruption,” (*Id.*).

Dated: May 1, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

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